SURRY COUNTY

(DRAFT #1)

PROPOSED AMENDMENT TO THE SURRY COUNTY COMPREHENSIVE PLAN RELATIVE TO THE IMPLEMENTATION OF THE CHESAPEAKE BAY PRESERVATION ACT

FEBRUARY, 1991

Submitted by:

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"SUPPORT FOR THIS PROJECT WAS FURNISHED IN PART BY THE VIRGINIA COUNCIL ON THE ENVIRONMENT AND GRANT NUMBER NA89AA-D-CZ134 FROM THE COASTAL ZONE MANAGEMENT PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION."

PROPOSED AMENDMENT
#1
PAGE 9

Add the following objective to implement the goal statement associated with Historical Preservation and Conservation.

OBJECTIVE: Protect sensitive lands at or near shorelines that have intrinsic water quality value due to the ecological and biological processes they perform from the adverse effects of indiscriminate land development patterns and practices by adoption of local ordinances implementing the Chesapeake Bay Preservation Act.

PROPOSED AMENDMENT
#2
PAGES 93A-93K

CHESAPEAKE BAY PRESERVATION ACT

Introduction

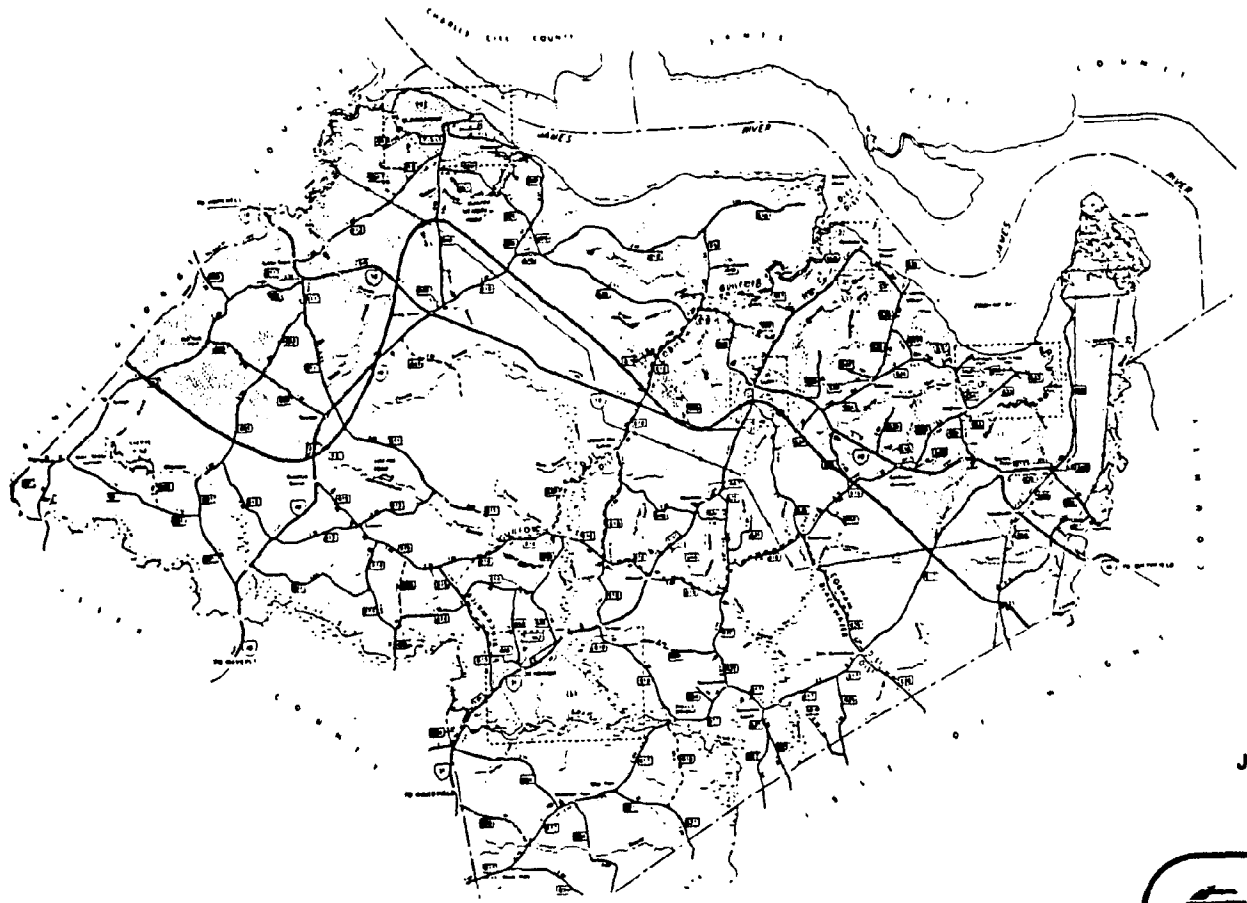
A viable planning process must acknowledge both the natural environment as well as the right of people to live in that environment. While often situated at the extreme ends of the ideological spectrum, they are not mutually exclusive and can be honored simultaneously. As this section of the Plan pertaining to critical environmental areas (flood plains, wetlands, bluffs and steep slopes, soils, and the James River) has noted, development has an unnatural impact upon the environment. Homes, stores, industries, roads and utilities are not natural nor is any development. The balance to be achieved in Surry County is to provide placed to live, work, shop and play which create more positive impacts to the environment than negative ones. The implementation of the Chesapeake Bay Preservation Act by Surry County enables the protection of important natural environmental systems while allowing reasonable, sensitively positioned and arranged development patterns. It will also positively contribute to the enhancement of the waters of the James River which in 1987 were characterized by the Virginia Council on the Environment in a report entitled "Progress Report of Virginia's Chesapeake Bay Program" as possessing "the most water quality problems of Virginia's Chesapeake Bay tributaries."

Legislative Intent of the Act

The decades of concern expressed by environmental scientists and individuals working in water-dependent occupations relative to the quality of waters in the Chesapeake Bay and its tributaries became a political reality in 1983 when Virginia, Maryland, Pennsylvania, the District of Columbia and the United States entered into the Chesapeake Bay Agreement. This Agreement called for the preparation and implementation of a collaborative, comprehensive and long term program designed to improve the environmental quality of the entire Bay, including all areas within the James River Watershed. Map 14A on page 93C generally depicts the James River Watershed within Surry County.

In 1988, Virginia enacted the Chesapeake Bay Preservation Act (Act). Section 10.1-2100 of the Act states:

"A. Healthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive. The protection of the public interest in the Chesapeake Bay, its tributaries, and other state waters and the promotion of the general welfare of the people of the Commonwealth require that (i) the counties, cities, and towns of Tidewater Virginia incorporate general water quality protection measures into their comprehensive plans, zoning ordinances, and subdivision ordinances; (ii) the counties, cities, and towns of Tidewater Virginia establish programs, in accordance with criteria established by the Commonwealth, that define and protect certain lands, hereinafter called Chesapeake Bay Preservation Areas, which if improperly developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries; (iii) the Commonwealth make its resources available to local governing bodies by providing financial and technical assistance, policy guidance, and oversight when requested or otherwise required to carry out and enforce the provisions of this chapter; and (iv) all agencies of the



MAP 14A

JAMES RIVER WATERSHED
OF SURRY COUNTY

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Commonwealth exercise their delegated authority in a manner consistent with water quality protection provisions of local comprehensive plans, zoning ordinances, and subdivision ordinances when it has been determined that they comply with the provisions of this chapter."

"B. Local governments have the initiative for planning and for implementing the provisions of the chapter, and the Commonwealth shall act primarily in a supportive role by providing oversight for local governmental programs, by establishing criteria as required by this chapter, and by providing those resources necessary to carry out and enforce the provisions of this chapter."

This Act also created the Chesapeake Bay Local Assistance Board (CBLAB) which is responsible for carrying out the purposes and provisions of the Act. Additionally, the Act authorized the creation of the Chesapeake Bay Local Assistance Department to provide staff support to CBLAB and technical assistance to localities. Section 10.1-2107 required CBLAB to develop criteria:

"A. In order to implement the provisions of the chapter and to assist counties, cities and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations which establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations which establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in these areas."

"B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote: (i) protection of existing high quality state waters and restriction of all other state waters to a condition or quality that will permit all reasonable public uses and will

> support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth."

The Act also enabled local governments to exercise their police and zoning powers to protect state water quality by designating Chesapeake Bay Preservation Areas, and by incorporating measures within local comprehensive plans, zoning ordinances and subdivision ordinances.

In November, 1990, the CBLAB readopted the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) which established criteria for the protection of state water quality while accommodating economic development activities. The purpose of the Regulations as expressed in Section 1.3 is:

> "to protect and improve the water quality of the Chesapeake Bay, its tributaries, and other state waters by minimizing the effects of human activity upon these waters and implementing the Act, which provides for the definition and protection of certain lands called Chesapeake Bay Preservation Areas, which if improperly developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries."

Surry County and other Tidewater communities were required to map Resource Protection Areas (RPAs) and Resource Management Areas (RMAs), adopt a water quality-sensitive development review process, and revise their zoning, subdivision and erosion sediment control ordinances to comply with the Act and Regulations.

An RPA consists of sensitive lands at or near shorelines that have "intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters." An RPA contains:

- tidal wetlands and shores
- nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams
- other sensitive lands or those with intrinsic water quality value
- a 100 feet wide buffer area adjacent to and landward of the above mentioned RPA areas

An RMA consists of areas which if improperly used or developed "have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA." The RMA would consist of areas contiguous to the entire RPA inland boundary and large enough to provide "significant water quality protection." An RMA may contain:

- floodplains
- highly erodible soils
- steep slopes
- highly permeable soils
- nontidal wetlands outside of the RPA
- other areas necessary to protect the quality of state waters

Local Implementation

The delineation of RPAs and the mapping of those sensitive environmental features worthy of inclusion within an RMA resulted in a map indicating that a majority of the James River Watershed area in Surry County qualifies as a Chesapeake Bay Preservation Area. Areas not possessing these characteristics tend to narrowly follow the ridge lines throughout the watershed. This map is available for review in the Surry County Planning Department.

CBLAB required local communities to delineate RPAs and RMAs and to make ordinance revisions which contain land use and development performance criteria intended to prevent a net increase in nonpoint source pollution from new development; achieve a 10 percent reduction in nonpoint source pollution from redevelopment; and achieve a 40 percent reduction in nonpoint source pollution from agricultural uses.

Rationale

Wetlands are areas that are inundated or saturated with surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 62.1 - 13.2f, 1 and m of the Code of Virginia define vegetated and non vegetated tidal wetlands. The Code defines tidal wetlands as:

> "All that land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor 1.5 times the mean tide range at the site of the proposed project."

Tidal wetlands within Surry County were inventoried and mapped in a 1981 Virginia Institute of Marine Science publication entitled the "Surry County Tidal Marsh Inventory."

The importance of tidal wetlands in Virginia was clearly established in 1972 with the passage of the Virginia Wetlands Act (Section 62.1-13.1 et.seq. of the Code of Virginia). Its declaration of policy states:

> "The Commonwealth of Virginia hereby recognizes the unique character of the wetlands, an irreplaceable natural resource which, in its natural state, is essential to the ecological systems of the tidal rivers, bays and estuaries of the Commonwealth. This resource is essential for the production of marine and inland wildlife, waterfowl, finfish, shellfish and flora; is valuable as a protective barrier against floods, tidal storms and erosion of the shores and soil within the Commonwealth; is important for the absorption of silt and of pollutants; and is important for recreational and aesthetic enjoyment of the people for the promotion of tourism, navigation and commerce."
>
> "Continued destruction of Virginia's coastal wetlands will greatly contribute to the pollution of the Commonwealth's rivers, bays and estuaries; will diminish the abundance of Virginia's marine and inland animals and waterfowl, finfish, shellfish and flora as sources of food, employment and recreation of the people of Virginia; will increase costs and hazards associated with floods and tidal storms; and will accelerate erosion and the loss of lands productive to the economy and the well-being of our citizens."
>
> "Therefore, in order to protect the public interest, promote the public health, safety and the economic and general welfare of the Commonwealth, and to protect public and private property, wildlife, marine fisheries and the natural environment, it is declared to be the public policy of this Commonwealth to preserve the

> wetlands and to prevent their despoliation and destruction and to accommodate necessary economic development in a manner consistent with wetland preservation."

Surry County is considering the creation of a Wetlands Board to assist in the protection of tidal wetlands located within the County.

For centuries, nontidal freshwater wetlands, commonly known as swamps and bogs, have been considered a nuisance serving as breeding areas for disease carrying mosquitos and foul odors. Filling or draining these areas was often considered the best course of action.

The scientific study of nontidal wetlands within the last twenty-five years has resulted in a new and clearer understanding of the role and function of these areas. Nontidal wetlands are wetland areas which are not directly affected by lunar tides. The rise and fall of the water level in these areas is associated with the seasons, the amount of rainfall at any given time, the water level of nearby waterbodies and watercourses, and the characteristics of the hydrologic geology in the area. These areas are often characterized by heavy vegetation which serves as a buffer between watercourses and manmade activities. This helps protect the quality of water by filtering water-transported soil sediment, fertilizers and other environmentally damaging pollutants. Nontidal wetlands are an important habitat area for animals, providing them with cover and sources of water and food.

Their capacity to serve as water storage areas reduces the land area impacted during heavy floods.

Some nontidal wetlands replenish groundwater supplies and are known as "aquifer recharge areas." In all areas and particularly those areas of Surry County lacking public water systems, it is very important that these recharge areas connecting surface and groundwater supplies be protected from the harmful impacts of surface water-transported pollutants.

Wetlands also serve as points of groundwater discharge. It is now believed that wetlands are points of groundwater discharge more often than they are aquifer recharge areas. The discharging of groundwater aids in maintaining minimum surface water flows during times of drought.

The program developed by CBLAB for Tidewater, Virginia provides for the delineation of nontidal wetlands within RPAs and RMAs during the land development plan preparation process. Nontidal wetlands are depicted in a general manner on the National Wetland Inventory (NWI) maps prepared by the U.S. Fish and Wildlife Service for Surry County. An additional aid is the soil survey for Surry County which is in progress. This survey, once completed, will delineate soils by type and characteristic, including hydrologic, throughout the County. The "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" provides a list of hydric soils (soils capable of supporting the growth and regeneration of wetland vegetation) within Virginia including the

following soil series identified thus far within the James River Watershed of Surry County: Bohicket, Levy, Lawnes, Mattan, Johnston, Kinston, Muckalee, Bibb, Chickahominy, Leon, Rains, Roanoke, Weston, and Bethera.

Conclusion

The adoption of ordinance amendments designed to implement the intent and purpose of the Chesapeake Bay Preservation Act increases the ability of the County to attain the Plan's goal of preserving flood plains, wetlands and valuable natural features. The establishment of RPAs combined with contiguous RMAs enables Surry County to comprehensively protect important floodplain and wetland areas, enhance its natural environment, improve the quality of waters within the James River and the Chesapeake Bay, and adhere to the goals and objectives of the Virginia Chesapeake Bay Preservation Act and this Plan.

DRAFT #1

PROPOSED AMENDMENTS TO THE ORDINANCES OF SURRY COUNTY TO IMPLEMENT THE CHESAPEAKE BAY PRESERVATION ACT

FEBRUARY, 1991

Submitted by

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PROPOSED AMENDMENT CREATING
ARTICLE 4A OF THE ZONING ORDINANCE
FOR SURRY COUNTY

ARTICLE 4A
CHESAPEAKE BAY PRESERVATION DISTRICT

4A.1. CB Chesapeake Bay Preservation District

Purpose of the District

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Surry County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Surry County's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degrades significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Board of Supervisors as Chesapeake Bay Preservation Areas ("CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in Surry County and the Commonwealth of Virginia.

It is the purpose of this Article to support the goals and objective of the Chesapeake Bay Preservation Act and the Surry County Comprehensive Plan by protecting and improving the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The intent of this Article is to:

- protect existing high quality state waters;
- restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;

- safeguard the clean waters of the Commonwealth from pollution;
- reduce existing pollution;
- promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Surry County.

The requirements contained herein establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration within the Chesapeake Bay Preservation Areas. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

Additionally, these regulations are intended to prevent a net increase in nonpoint source pollution from new development, achieve a ten percent (10%) reduction in nonpoint source pollution from redevelopment, and achieve a forty percent (40%) reduction in nonpoint source pollution from agricultural uses.

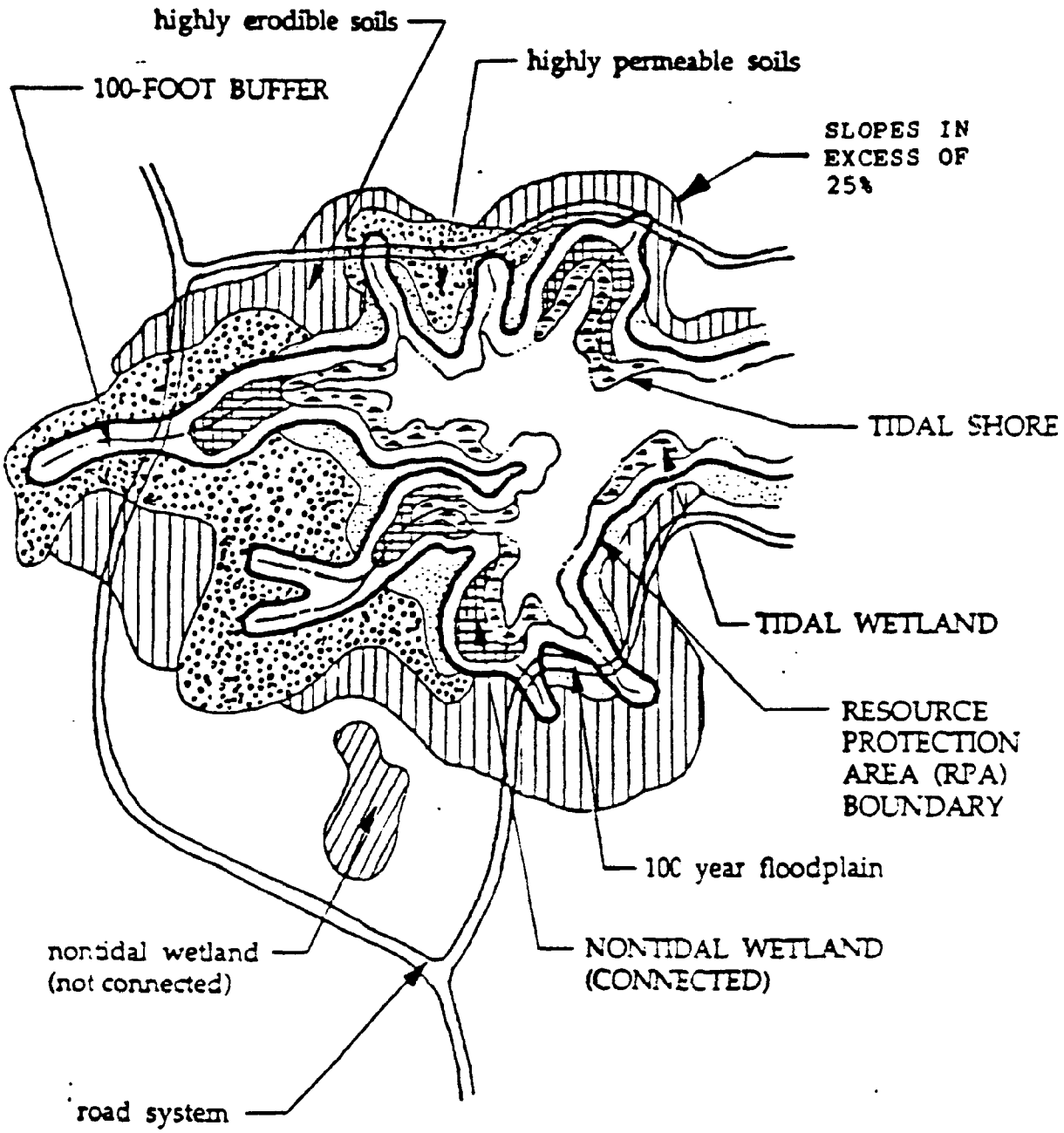
4A.2. Application of the District

The CB Chesapeake Bay Preservation District is created as a special district to be superimposed on other districts contained in these regulations. The requirements of this Article shall apply to all lands identified as RPAs and RMAs on maps adopted by the Board of Supervisors on file in the Surry County Planning Department.

1. The RPA includes:
   a. Tidal wetlands;
   b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
   c. Tidal shores;
   d. Slopes greater than 25 percent;
   e. A 100-foot vegetated buffer area located adjacent to and landward of the components listed above, and along both sides of any tributary stream.

2. The RMA includes land areas 500 feet landward of the RPA which are characterized by environmentally sensitive features such as floodplains, highly erodible soils, slopes less than 25 percent or less, highly permeable soils and nontidal wetlands outside of the RPA.

RPA Components



NOTE: items in lower case letters indicate the feature that the symbol depicts. ITEMS IN UPPER CASE LETTERS INDICATE THE FEATURE MUST BE MAPPED AS AN RPA FEATURE

4A.3. Resource Protection Area

1. Interpretation of RPA Boundaries

The site specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment conducted by a RPA Delineator. The RPA Delineator shall use the adopted map as a guide to the general location of an RPA. The RPA Delineator shall examine lands adjacent to the subject property to the extent necessary to determine if any part of the full 100-foot landward vegetated buffer must be delineated on the subject property.

2. Where Conflicts Arise Over Delineation

Where the applicant has provided a site-specific delineation of the RPA, the Planning Director will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Planning Director may render adjustments to the applicant's boundary delineation, in accordance with this Article and the Subdivision Ordinance for Surry County. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief from the Board of Zoning Appeals in accordance with Article 7 to determine the boundary delineation.

3. Use and Lot Size Provisions for Lands Within the RPA

a. Development within the RPA is limited to new water-dependent facilities, expansion of existing water-dependent facilities and redevelopment.

b. The above mentioned uses within the RPA must be in compliance with the intent and purpose of the Comprehensive Plan and comply with the performance standards of this Article of the Zoning Ordinance.

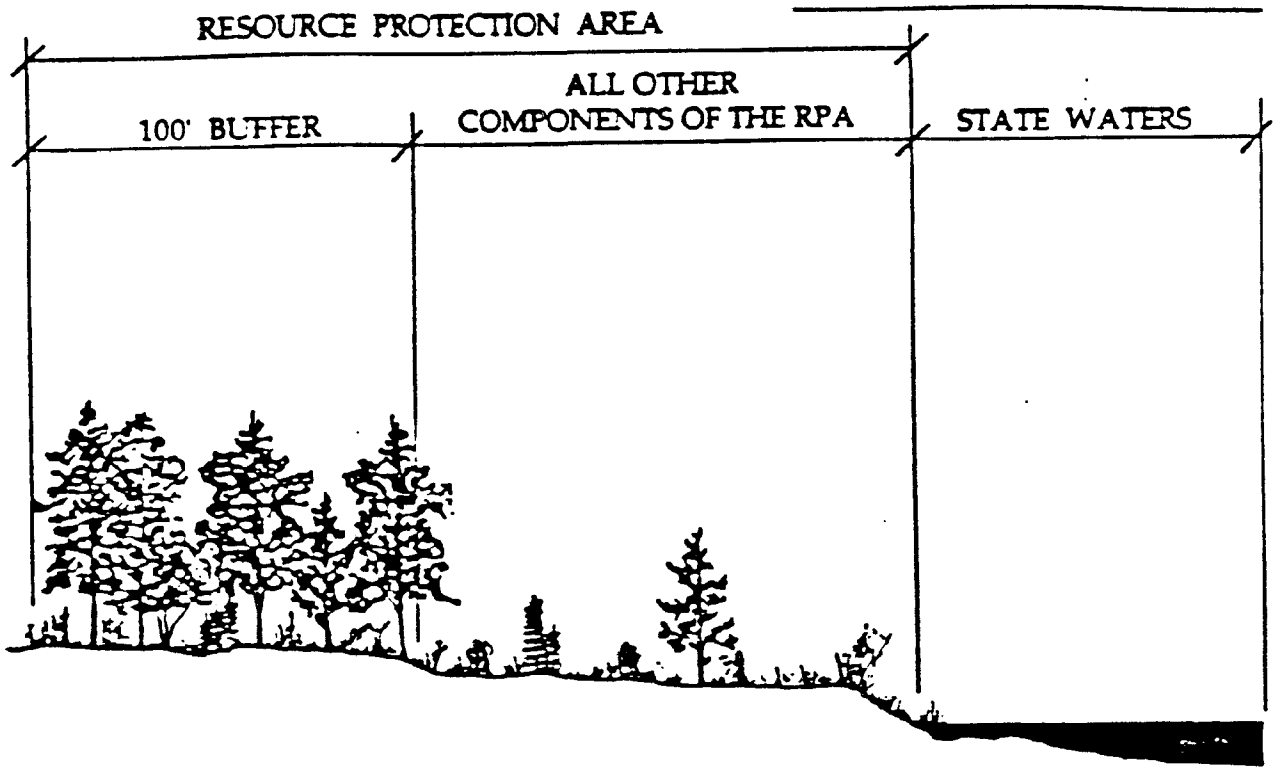
c. All newly created lots intended for human activity and use shall have sufficient area landward of the RPA to accommodate intended non-water-dependent land uses and all non-water-dependent components of water-dependent facilities.

d. Access, utilities or other land disturbance necessary to serve water-dependent facilities shall be kept to a minimum with a single point of access where possible.

4. RPA Buffer Area Requirements

a. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

BUFFER AREA CROSS-SECTION



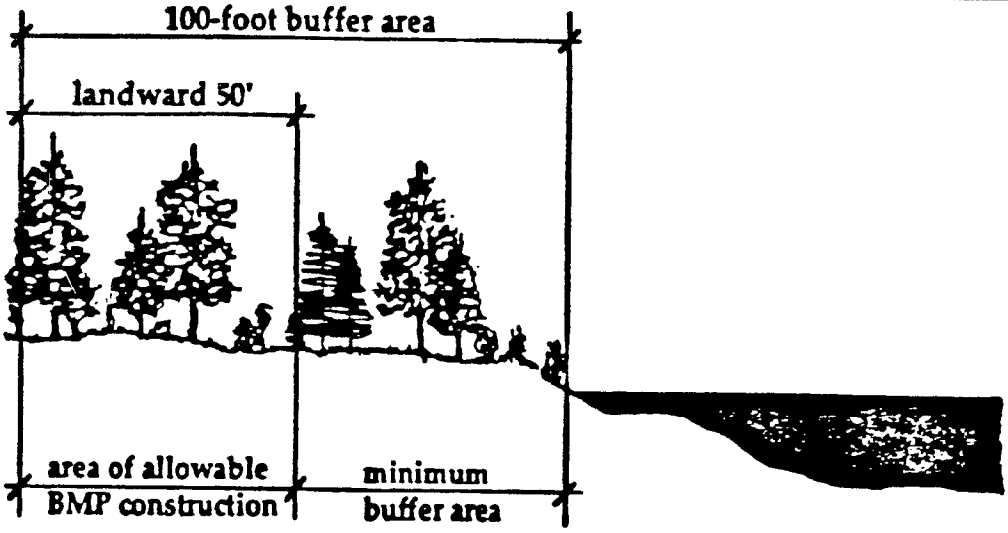
b. The RPA buffer shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA.

c. The 100-foot RPA buffer shall be deemed to achieve a 75 percent (75%) reduction of sediments and a 40 percent (40%) reduction of nutrients.

d. A combination of a buffer area not less than 50 feet in width and appropriate Best Management Practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation

at least the equivalent of the 100-foot buffer area may be employed in lieu of the 100-foot buffer provided that it is approved by the Planning Director after review of the water quality impact assessment.

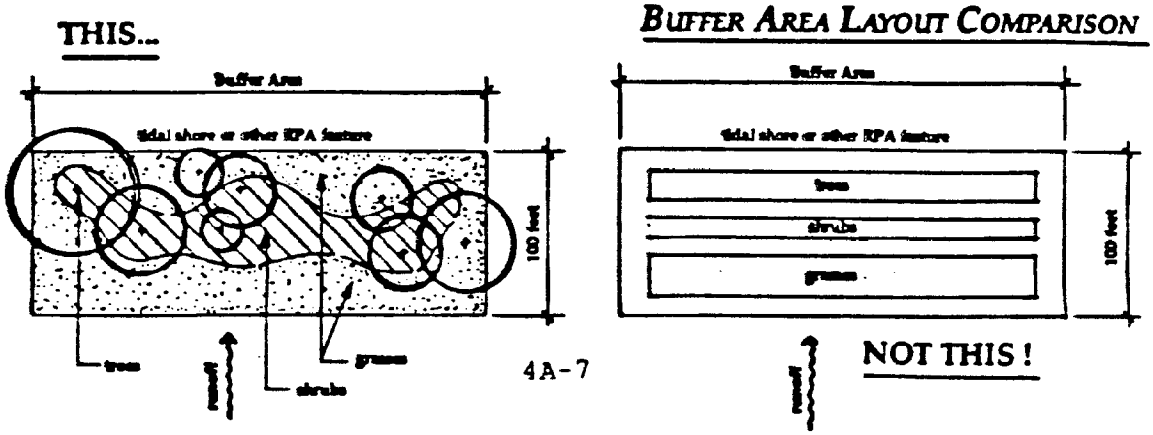
AREA OF BMP CONSTRUCTION



e. The RPA buffer shall be maintained in accordance with the following performance standards:

(1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, if authorized by the Planning Director, on a case-by-case basis, upon presentation of documentation that the RPA buffer will still function in a manner that protects water quality. Such vegetation shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

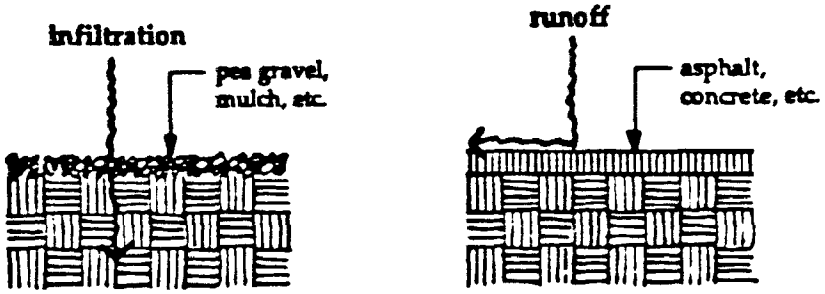
BUFFER AREA LAYOUT COMPARISON



(2) Trees may be pruned only as necessary to provide for sight lines and vistas.

(3) Any path shall be constructed and surfaced so as to effectively control erosion.

Access Path Construction



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(4) Dead, diseased, or dying trees or shrubbery may be removed and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.

(5) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline, in accordance with the best available technical advice subject to the issuance of all required permits.

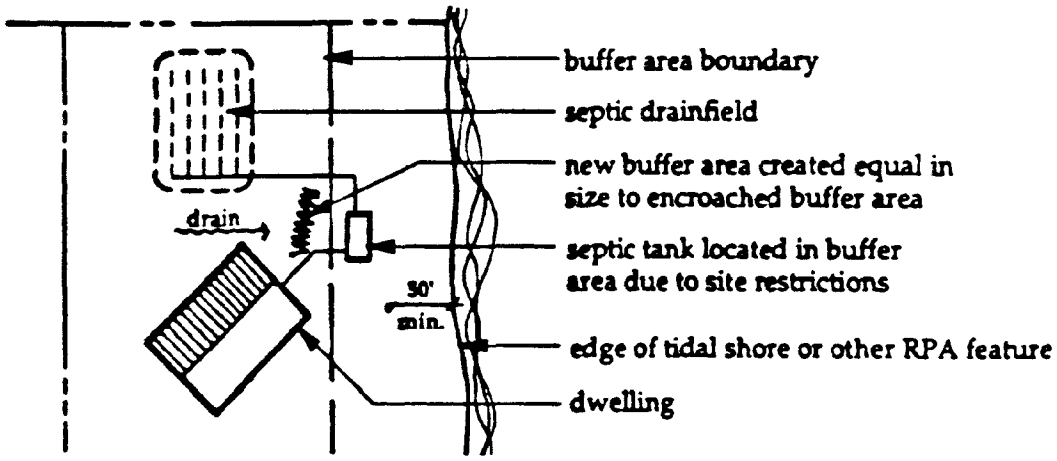
f. When the application of the RPA buffer would result in the loss of a buildable area on a lot or parcel legally created prior to October 1, 1989, the Planning Director may modify the width of the buffer area in accordance with the following criteria:

(1) Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

(2) Where possible, an area equal to the area encroaching within the buffer area shall be established elsewhere on the lot or parcel in a way which will maximize water quality protection; and

(3) In no case shall the buffer area be reduced to less than 50 feet in width.

Modification To Buffer Area Width



g. On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:

(1) To a minimum width of 50 feet when the adjacent land is implementing an agricultural best management practices program funded by the federal, state, or local government, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area;

(2) To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the Peanut Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Section.

(3) The buffer area is not required along agricultural drainage ditches if the adjacent agricultural land has in place best management

practices in accordance with a conservation plan approved by the Peanut Soil and Water Conservation District.

h. County-Provided Compliance Assistance Relating to Single Family Home Construction/Modification

The Planning Director, when requested by an applicant wishing to construct a single family residence in a Chesapeake Bay Preservation Area, will prepare, for a fee, the submittal materials required by Sections 4A.5.2 to 4A.5.5 as well as delineate the RPA boundary.

i. RPA Signs

When development occurs adjacent to an RPA boundary, the applicant shall install or mount signs indicating the location of the RPA limits. Signs, which are available from the Planning Director, shall be positioned within 300 feet of each other and/or where an RPA boundary line crosses a property line.

4A.4. Performance Standards for All Development and Redevelopment

1. All development and redevelopment shall be subject to applicable provisions of the Subdivision Ordinance for Surry County, the Erosion and Sediment Control Ordinance, and the Zoning Ordinance for Surry County.

2. No more land shall be disturbed than is necessary to provide for the desired use or development. The construction footprint shall not exceed 60 percent (60%) of the site.

3. All land development shall minimize impervious cover consistent with the use or development allowed.

4. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed.

5. All on-site sewage disposal systems not requiring an VPDES permit shall be pumped out at least once every five years.

6. For new construction, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, and which lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building shall be prohibited on the area of all sewage disposal sites which are in use or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

7. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices.

   a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover for Virginia's Chesapeake Bay watershed;

   b. For isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Planning Director may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

      (1) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;

      (2) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;

      (3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Planning Director may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.

c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.

d. For single family dwellings on lots of one acre or greater in size, stormwater runoff calculations are not required since they are typically characterized by post-development runoff within acceptable ranges.

8. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Planning Director, in accordance with this Article and the Surry County Subdivision Ordinance.

9. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by January 1, 1995.

4A.5. Submission Requirements

1. Plan of Development

Any development or redevelopment exceeding 2500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, unless the Planning Director determines that due to the scope and nature of the proposed development certain of the required information is unnecessary. The submittal requirements of Sections 4A.5.1. to 4A.5.6., as required, shall constitute a complete site plan submittal for land disturbance activities associated with individual one- and two-family dwellings. Site plan submission requirements for commercial, industrial and multi-family dwellings shall comply with the submittal requirements of 4A.5.1. to 4A.5.7. Administration of the plan of development process for other development or redevelopment activities shall be in accordance with this Article for site plans, and the Subdivision Ordinance for Surry County for

subdivision plats. The following plans or studies shall be submitted, unless otherwise provided for to accompany a site plan or subdivision plat:

2. Environmental Site Assessment

An environmental site assessment shall be submitted in conjunction with a preliminary site plan or preliminary subdivision plat approval application.

a. The environmental site assessment shall be drawn to scale on the submitted plan of development for one- and two-family dwellings, preliminary site plans and subdivision plats clearly delineating the following components:

(1) Tidal wetlands;

(2) Tidal shores;

(3) Nontidal wetlands in RPA;

(4) Slopes greater than 25 percent;

(5) A 100-foot buffer area located adjacent to and landward of the components listed in subsections a through c above, and along both sides of any tributary stream;

(6) Nontidal wetlands in RMA;

(7) Hydric soils;

b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.

c. The environmental site assessment shall be drawn at the same scale as the site plan or subdivision plan, and shall be certified as complete and accurate by a RPA Delineator competent to make the inventory. This requirement may be waived by the Planning Director when the proposed use or development would result in less than 5,000 square feet of disturbed area.

3. Landscape Plan

A landscape plan, as described below, shall be submitted in conjunction with a site plan or preliminary

subdivision plat approval application. No clearing or grading of any lot or parcel shall be permitted without an approved landscape plan. Landscape plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

a. Contents of the Plan

(1) The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site 6 inches or greater in diameter at breast height (DBH) shall be shown on the plan, or where there are groups of trees, the woodlines of the group may be outlined instead. The specific number of trees 6 inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and woodlines to be changed to create desired and necessary impervious cover shall be clearly delineated on the plan.

(2) Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscape plan.

(3) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this Article, shall be shown on the landscape plan. Vegetation required by this Article to replace any existing trees within the buffer area shall also be shown on the plan.

(4) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscape plan.

(5) The landscape plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

(6) The landscape plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

b. Plant Specifications

(1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

(2) All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

(3) Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of 2 planted trees to 1 removed. Replacement trees shall be a minimum 2-1/2 inches caliper measured at breast height at the time of planting.

c. Maintenance

(1) The applicant shall be responsible for the maintenance, repair, and replacement of all vegetation as may be required by the provisions of this Article.

(2) In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

4. Stormwater Management Plan

A stormwater management plan shall be submitted as part of the plan of development process required by Section 4A.5. in conjunction with site plan or subdivision plat

approval. This submittal is not required for individual one- and two-family homes located on lots one acre or greater in size if the impervious cover is 16% or less of the total site area.

a. Contents of the Plan

At a minimum, the stormwater management plan shall contain the following:

(1) Location and design of stormwater control devices and BMPs.

(2) Procedures for implementing nonstructural stormwater control practices.

(3) Pre- and post-development nonpoint source pollution loadings with supporting documentation of all utilized coefficients and calculations.

(4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.

b. The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than Surry County, then a maintenance agreement shall be executed between the responsible party and the County.

5. An erosion and sediment control plan in accordance with the Erosion and Sediment Control Ordinance for Surry County.

6. Water Quality Impact Assessment

a. A water quality impact assessment is require for:

(1) Any proposed development or redevelopment within an RPA, including any buffer area modification or reduction.

(2) Any proposed development or redevelopment within an RMA when deemed necessary by the Planning Director due to the unique characteristics of the site (such as the

topography, soils, ground cover, location of wetlands and tidal shores) or the intensity of the proposed development.

b. The purpose of the water quality impact assessment is:

(1) to identify the impacts of proposed development on water quality and lands within an RPA and other environmentally sensitive lands;

(2) to ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;

(3) to protect individuals from investing funds for improvements proposed for a location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and to specify mitigation which will address water quality protection.

c. The water quality impact assessment shall be certified as complete and accurate by a professional engineer or other individual with demonstrated competence satisfactory to the County.

d. Minor Water Quality Impact Assessment

A minor water quality impact assessment pertains only to development within CBPAs which causes no more than 5,000 square feet of land disturbance and requires a modification or reduction of the landward 50 feet of the 100-foot buffer area. A minor assessment must demonstrate through acceptable calculations that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:

(1) Location of the components of the RPA on site or within 100 feet of the site, including the 100-foot buffer area;

(2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

(3) Type and location of proposed best management practices to mitigate the proposed encroachment.

e. Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development which exceeds 5,000 square feet of land disturbance within CBPAs and requires any modification or reduction of the landward 50 feet of the 100-foot buffer area; disturbs any portion of any other component of an RPA or disturbs any portion of the buffer area within 50 feet of any other component of an RPA; or is located in an RMA and is deemed necessary by the Planning Director. The submittal requirements in this Article shall be considered a minimum, unless the Planning Director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land. The following elements shall be included in the preparation and submission of a major water quality assessment which accompanies a site plan or subdivision application:

(1) All information required as part of a minor water quality impact assessment;

(2) The identification of the existing characteristics and conditions of sensitive lands as components of the CBPA, as defined herein;

(3) The identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships;

(4) A hydrogeological study which describes the existing topography, soils, hydrology and geology on the site and adjacent lands, and indicates the impacts of the proposed

development on these features as well as the following:

(a) disturbance or destruction of wetlands and justification for such action;

(b) disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other waterbodies;

(c) disruptions to existing hydrology including wetland and stream circulation patterns;

(d) source location and description of proposed fill material;

(e) location of dredge material and location of dumping area for such material;

(f) location of an impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;

(g) estimation of pre- and post-development pollutant loads in runoff;

(h) estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;

(i) percent of site to be cleared for project;

(j) anticipated duration and phasing schedule of construction project;

(k) the proposed mitigation measures associated with potential hydrogeological impacts which may include minimizing cut and fill, a proposed stormwater management system, the creation of wetlands to replace those lost, and the use of erosion and sediment control concepts such as minimizing the extent of cleared areas, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, and the implementation of a comprehensive site inspection program;

(1) a listing of all requisite permits from all applicable agencies necessary to develop the project.

f. Evaluation Procedure

(1) Upon the completed review of a minor water quality impact assessment, the Planning Director will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:

(a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

(b) Impervious surface is minimized;

(c) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;

(d) The development, as proposed, meets the purpose and intent of this Article;

(e) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

(2) Upon the completed review of a major water quality impact assessment, the Planning Director will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria:

(a) Within any RPA, the proposed development is water-dependent;

(b) The disturbance of wetlands will be minimized;

(c) The development will not result in significant disruption of the hydrology of the site;

(d) The development will not result in significant degradation to aquatic vegetation or life;

(e) The development will not result in unnecessary destruction of plant materials on site;

(f) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;

(g) Proposed stormwater management concepts are adequate to control the storm water runoff to achieve the required standard for pollutant control;

(h) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;

(i) The design and location of any proposed drainfield will be in accordance with the requirements of Section 4A.4.;

(j) The development, as proposed, is consistent with the purpose and intent of this Article;

(k) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

(3) The Planning Director shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Planning Director based on the criteria herein.

(4) The Planning Director shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Planning Director based on the criteria herein.

(5) A landscaping plan

(6) A wastewater study which:

(a) includes calculations and locations of anticipated drainfield or wastewater irrigation areas;

(b) provides justification for sewer line locations in environmentally-sensitive areas, where applicable, and describes construction techniques and standards;

(c) discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;

(d) describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

7. (X) Supplemental Submittal Requirements for Commercial, Industrial, and Multi-Family Site Plans

a. (X) Preliminary Site Plans

The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

(1) (X) The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer, or landscape architect, and the developer.

(2) (X) The northpoint, scale, and date.

(3) (X) Location of the project by an insert map at a scale of not less than one inch equals two thousand feet, indicating the scale, the north arrow, and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, and magisterial districts or other landmarks sufficient to clearly

identify the location of the property.

(4) (~~4~~) Existing zoning and zoning district boundaries and proposed changes in zoning, if any.

(5) (~~5~~) The boundaries of the property involved, county or municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.

(6) (~~6~~) Uses of adjoining properties and names of owners.

(7) (~~7~~) Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review of the project or proposal.

(8) (~~8~~) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.

(9) (~~9~~) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.

(10) (~~10~~) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.

(11) (~~11~~) Location with respect to each other and to lot lines, number of floors, number of swelling units and approximate height of all proposed buildings and structures, accessory and main, or major excavations.

(12) (12) Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.

(13) (13) General location, height, and material of all fences, walls, screen planting, and landscaping.

(14) (14) General location, character, size, height, and orientation of proposed signs.

(15) (15) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

(16) (16) If located in a Chesapeake Bay Preservation Area, the delineation of an RMA, RPA and RPA buffer area; the delineation of a primary and reserve sewage disposal site, if applicable; as well as the information specified in Section 4A.5.2. of this Article.

The Planning Director may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets joint. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the approving authority. Site plans shall be prepared to a scale of one inch equals fifty feet, or such other scale as may be approved by the Planning Director as appropriate to a particular case.

b. (X) Final Site Plans

The final site plan shall show the following:

(1) (1) All of the features required on the preliminary site plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.

(2) (2) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.

(3) (3) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the County indicating the location sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system. Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

(4) (4) Existing topography with two-foot contour intervals or such intervals as approved by the Planning Director. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.

(5) (5) Proposed finished grading by contours supplemented where necessary by spot elevations.

(6) (6) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the nearest one hundredth of a foot; and all bearings in degrees, minutes, and seconds to the nearest ten seconds.

(7) ~~(6)~~ The delineation of an RMA, RPA and RPA buffer area as well as a primary and reserve sewage disposal site, if applicable.

C. ~~(c)~~ Procedure for Approval of Site Plans

(1) ~~(1)~~ Five copies of a preliminary site plan or plans shall be filed with the Planning Director. The preliminary site plan shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Director.

(2) ~~(2)~~ Approval by the Planning Director of a preliminary site plan shall be valid for a period of one year. A final site plan shall be prepared and filed with the Planning Director and shall comply with the specifications of this Article and applicable laws, regulations, and ordinances governing development of land. Permits shall be issued in accord with the approved and filed plat. All wetland permits required by law and all necessary maintenance agreements ensuring proper maintenance of best management practices must be on file with the Planning Director before the final plan is approved.

d. ~~(d)~~ Amendments and Additions to Site Plans

The procedure for amendment of approved site plans shall be the same as for a new application, except that minor amendments of an approved site plan may be approved by the Planning Director's initialing of the change on the plan. A change may be made provided it:

(1) ~~(1)~~ Does not alter a recorded subdivision plat,

(2) ~~(2)~~ Does not conflict with the specific requirements of this Ordinance,

e. (e) Revocation of Permits

No permit shall be issued for any structure in any area covered by a site plan under this Article except in conformity to such plan which has been duly approved. Permits may be revoked by the County for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

f. (f) Approval and Extension

Approval of final site plan submitted under the provisions of this Article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Planning Director within ninety days before the expiration of the approved site plan. The Planning Director shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

4A.6. Installation and Bonding Requirements

1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan or plat are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved plan or plat.

2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to Surry County a form of surety satisfactory to the County Attorney in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required storm water management facilities during the construction period.

3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the County.

4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the County. The County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

5. After all required actions of the approved plan or plat have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Planning Director, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Planning Director may require a certificate of substantial completion from a Professional Engineer or Class IIIB Surveyor before making a final inspection.

4A.7. Exemptions

1. Public Utilities

   a. Construction, installation, and maintenance by public agencies of water, sewer, and gas lines shall be exempt from this Article provided that:

      (1) to the degree possible the location of such utilities and associated facilities should be outside RPAs;

      (2) no more land shall be disturbed than is necessary to provide for the desired utility installation;

      (3) all such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable Federal, State and County permits and designed and conducted in a manner that protects water quality; and

(4) any land disturbance exceeding an area of 2,500 square feet shall comply with the Erosion and Sediment Control Ordinance for Surry County.

b. Exemptions for Silvicultural Activities

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its Best Management Practices Handbook for Forestry Operations.

c. Exemptions for Water Wells, Passive Recreation Facilities and Historic Preservation and Archaeological Activities in RPAs

Exemptions from these requirements may be granted for the following land disturbances in RPAs: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Planning Director that:

(1) Any required permits, except those to which this exception specifically applies, shall have been issued;

(2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and

(3) The intended use does not conflict with nearby planned or approved uses.

(4) Any land disturbance, excluding an area of 2,500 square feet, shall comply with the Erosion and Sediment Control Ordinance for Surry County.

4A.8. Nonconforming Use and Development Waivers

1. Continuation of an Existing Lawful Use

It is not the intent of this Ordinance to prevent beneficial use or minor modification or alteration of structures legally existing prior to adoption of this Article. Additionally, it is not the intent of this Ordinance to prevent the practical use of lots or

structures existing prior to adoption of this Article whose proximity to a RPA leaves insufficient area suitable for building outside the RPA, lack soil suitable for reserve or alternate drainfields, or contain other factors which make the property practically unusable upon application of the requirements of this Article.

2. Waivers may be granted in this regard by the Planning Director in order to allow the beneficial use of property, and reasonable and appropriate conditions may be attached to the operating of the waiver in order to prevent water quality degradation, provided that:

   a. Waivers granted shall be the minimum necessary to provide for buildable area or practical beneficial use;

   b. Facilities, to the extent practical, which are not water-dependent shall be located outside of a RPA;

   c. Waivers granted shall cause no increase in nonpoint source pollution load;

   d. Land disturbances in excess of 2,500 square feet shall comply with the Erosion and Sediment Control Ordinance for Surry County;

   e. A waiver shall become null and void twelve months from the date of issue if, in the opinion of the Director of Planning, no substantial work has commenced.

3. Application for a Development Waiver

   An application for a waiver shall be made to the Planning Director and include the following information:

   a. name and address of applicant and property owner;

   b. location map of site, legal description (tax map and parcel number) of the property, sketch of the parcel in question with dimensions;

   c. location of existing and proposal buildings, site activities, and water supply and sewage systems;

   d. location of the RPA boundary line delineation.

4A.9. Exceptions

1. Request for Exception

A request for an exception to the requirements of this Article shall be made in writing to the Planning Director. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment.

2. Exception Review

The Planning Director shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose of this Article if the Planning Director finds:

a. Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the CBPA;

b. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

c. The exception request is the minimum necessary to afford relief;

d. The exception request will be consistent with the purpose and intent of this Article, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and

e. Reasonable and appropriate conditions are imposed which will prevent the exception from causing a degradation of water quality.

The Planning Director will consider written and oral input from County and State agencies and other interested parties, if solicited. An exception will become null and void twelve months from the date of issue if, in the opinion of the Planning Director, no substantial work has commenced.

4A.10. Variance Appeal

1. If the Director of Planning cannot make the required findings or refuses to grant an exception, the applicant may appeal by submitting a written application for review to the Board of Zoning Appeals ("Board") in accordance with Article 7, Section 11 of this Ordinance. The Board shall hear the appeal as soon as practical after receipt of a complete application accompanied by the water quality impact assessment and the Director of Planning's written findings and rationale.

2. In rendering its decision, the Board shall consider the water quality impact assessment and the findings and rationale of the Planning Director and balance the hardship to the property owner with the purpose, intent, and objectives of this Article.

PROPOSED AMENDMENTS TO ARTICLE 11 - DEFINITIONS OF THE ZONING ORDINANCE FOR SURRY COUNTY

Agricultural Lands. Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

Best Management Practices (BMPs). A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Caliper. The diameter in inches of a tree trunk measured six inches above ground level for nursery stock.

Chesapeake Bay Preservation Area (CBPA). Any land designated by Surry County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area (CBPA) shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA). All lands within Surry County outside of an RPA are within an RMA.

Construction footprint. The area of all impervious surface, including but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

Development. The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

Diameter at Breast Height (DBH). The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

Dripline. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula RKLS/T, as defined by the "Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope, length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

Hydric soil. Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, which are saturated for usually one week or more during the growing period and have the capacity to support hydrophytic vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Land disturbance/land disturbing activity. Refer to Section 4.10 of the Erosion and Sediment Control Ordinance for Surry County.

Nonpoint source pollution. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Noxious weeds. Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

Plan of Development. The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia (Chesapeake Bay Preservation Act) and this Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

Redevelopment. The process of developing land that is or has been previously developed.

Resource Management Area (RMA). That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Resource Protection Area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Resource Protection Area (RPA) Buffer. A 100-foot wide area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbances.

Resource Protection Area Delineator (RPA Delineator). A person trained in wetland ecology, botany, agronomy, hydrology and/or related fields with experience delineating tidal and non tidal wetlands.

Tidal shore or Shore. Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal Wetlands. The vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

Tributary Stream. Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

Water-dependent facility. A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

Wetlands. All tidal and nontidal wetlands.

PROPOSED AMENDMENTS TO
THE EROSION AND SEDIMENTATION CONTROL
ORDINANCE FOR SURRY COUNTY

Section 4. Definitions

Add the following definition:

2A. Chesapeake Bay Preservation District shall mean any land designated pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations and Section 10.1-2107 of the Chesapeake Bay Preservation Act. A Chesapeake Bay Preservation District shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

Section 5(A). Non-Controlled Activities

Delete (iia) construction, installation, or maintenance of electric and telephone utility lines;

Amend (iii) to read: septic tank lines or drainage ~~fields~~ lines unless located within the Chesapeake Bay Preservation District or unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

Amend (vii) to read: preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development; or unless within the Chesapeake Bay Preservation District.

Amend (viii) to read: disturbed land areas ~~for commercial or noncommercial uses~~ of less than ten thousand (10,000) square feet in size; provided, however, that the governing body of the county, city, town or district, may reduce this exception to a smaller area of disturbed land and/or qualify the conditions under which this exception shall apply; or disturbed land areas of less than twenty-five hundred (2,500) square feet in size within the Chesapeake Bay Preservation District.

PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE FOR SURRY COUNTY

Table of Contents — Add Article 2, Section 9. Compliance with the Chesapeake Bay Preservation Act

Page 1 — Article 1, Section 2 Purpose

Insert "the protection and enhancement of the water quality of the Chesapeake Bay as intended by the Chesapeake Bay Preservation Act" between "public facilities;" and "and other requirements" on line 16.

Page 5 — Add Article 2, Section 9 Compliance with the Chesapeake Bay Preservation Act

"Subdivisions proposed for sites within a Chesapeake Bay Preservation Area shall comply with applicable requirements of the Zoning Ordinance for Surry County, Article 4A, Chesapeake Bay Preservation District.'"

Page 13 — Add to Article 4, Section 4 the following sentence:

"Subdivisions located in designated Chesapeake Bay Preservation Areas shall utilize best management practices as required by Article 4A of the Zoning Ordinance for Surry County."

Page 17 — Add to Article 5, Section 1.9 the following sentence:

"The final plat for any subdivision located within a Chesapeake Bay Preservation Area shall show the delineation of the RMA, RPA, and RPA buffer area. All wetland permits required by law and all necessary best management practices (BMP) maintenance agreements ensuring proper maintenance of best management practices must be on file with the Planning Director before final plat approval."

Page 18 Add to Article 5, Section 2 the following to be inserted at the end of line 6 after "in Surry County,":

"as well as for the construction and maintenance of best management practices as required in order to comply with Article 4A, Chesapeake Bay Preservation District of the Zoning Ordinance for Surry County,"

Page 21 Add to Article 5, Section 5 the following:

12. The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site, as well as the information specified in Section 4A.5.2 of the Zoning Ordinance for Surry County if the site is located within the Chesapeake Bay Preservation District.

Page 22 Add to Article 5, Section 6 the following:

7. Plan of all best management practices required in order to comply with Article 4A, Chesapeake Bay Preservation District of the Zoning Ordinance for Surry County.

Page 25 Add to Article 5, Section 7 the following:

20. The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site if the site is located within the Chesapeake Bay Preservation District.

Article 6, Section 2 Definitions

Page 28 Best Management Practices (BMPs). A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Page 28 Chesapeake Bay Preservation Area (CBPA). Any land designated by Surry County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01.1., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area (CBPA) shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

Page 30 Resource Management Area (RMA). That component of the Chesapeake Bay Preservation Area (CBPA) that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Page 30 Resource Protection Area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Page 30 Resource Protection Area (RPA) Buffer. A 100-foot wide area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbances.

Page 30 Resource Protection Area Delineator (RPA Delineator). A person trained in wetland ecology, botany, agronomy, hydrology and/or related fields with experience delineating tidal and nontidal wetlands.